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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.578 OF 2017

Ubed Alam @Babbar Habibul Rahman Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.V.V.Phatate, for the Applicant.

Mr.Rajan Salvi, A.P.P for the Respondent-State

Police Sub Inspector - Luies Anthony Makasare, Ahmednagar Railway
Police Station, Ahmednagar.

***CORAM : REVATI MOHITE DERE, J.
DATE : 19th JULY, 2017***

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.121 of 2016 registered with the Railway Police Station, Solapur for the alleged offences punishable under Sections 328, 379 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that there is no legally

admissible evidence as against the applicant.

4. Learned APP has filed an affidavit of Luies Anthony Makasare, Police Sub Inspector attached to Ahmednagar Railway Police Station, Ahmednagar. He submitted that the applicant has antecedents, inasmuch as, there are 5 similar cases registered as against him with Solapur Railway Station and Daund Railway Station, for the offences punishable under Sections 328, 379 r/w 34 of the Indian Penal Code. He submitted that the applicant is a habitual offender. He further submitted that although there was a disclosure, nothing was found subsequent to the said disclosure.

5. Perused the papers. According to the complainant – Dipen Sumitlal Doshi, he was travelling by train, from Hyderabad to Mumbai on 10th October, 2015. He has stated that when the train reached the Solapur Railway Station, one unknown person offered him Bourbon Cream Biscuit containing an intoxicated substance. He has stated that after consuming the same, he felt giddy and went to sleep. He has stated that when he reached C.S.T. Railway Station, on 11th October, 2015, he found that his gold chain

weighing 16 gram, one gold finger ring weighing 6 gram and cash of Rs.26,000/-, one mobile phone handset of Intex Company, one envelope containing SBI Bank Credit Card, HDFC Debit Card and Aadhar Card were missing, pursuant to which, he lodged a complaint with the Railway Police Station, C.S.T, Mumbai, which was thereafter transferred to Solapur Railway Police Station. During investigation, the applicant was arrested. There is no recovery at the instance of the applicant. Learned APP is unable to point out any material evidence, qua the applicant. The applicant has 5 similar antecedents. The applicant is a resident of Delhi, considering the aforesaid, it will appropriate to impose stringent conditions whilst enlarging the applicant on bail.

6. Considering the material on record, qua the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two local solvent sureties in the like amount;

- ii) The Applicant shall attend the concerned Police Station, on the second and fourth Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not leave Maharashtra State, till the conclusion of the trial;
- v) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall attend the Trial Court on every date of the hearing;
- vii) The Applicant shall not commit similar offences ;

- viii) The Applicant shall co-operate in the conduct of the trial;
- ix) An undertaking to the aforesaid clauses (ii) to (viii), shall be filed by the Applicant, in the Registry of the trial Court, within two week's after his release;
- x) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)